

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAMIEN M. TURNER,

Petitioner,

v.

KEITH SMITH, Warden,

Respondent.

CASE NO. 2:08-CV-52  
JUDGE MARBLEY  
MAGISTRATE JUDGE KING

**OPINION AND ORDER**

On February 13, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

*s/Algenon L. Marbley*  
ALGENON L. MARBLEY  
United States District Judge